

IN THE SUPREME COURT OF THE STATE OF MONTANA

No. DA 10-0304

CHARLES W. HINESLEY,

Plaintiff, Counterdefendant, and Appellee,

v.

WEST JORDAN, LLC,

Defendant, Counterclaimant, and Appellant,

v.

HINESLEY FAMILY LIMITED PARTNERSHIP
NO. 1,

Counterdefendant and Appellee,

v.

CITY OF BOZEMAN, MONTANA,

Third party Defendant.

FILED

JUN 29 2010

Ed Smith
CLERK OF THE SUPREME COURT
STATE OF MONTANA

O R D E R

On June 14, 2010, the Appellant filed its notice of appeal and a copy of the Eighteenth Judicial District Court's certification of its December 17, 2009, decision in the above-entitled matter as final for purposes of appeal pursuant to Rule 54(b), M. R. Civ. P. According to the District Court, the parties agree that the court's December 17, 2009, decision and order should be certified for immediate appeal.

Pursuant to M. R. App. P. 4(4)b, we have reviewed the District Court's certification order for compliance with M. R. App. P. 6(6). We conclude that the court's certification order is in substantial compliance with the requirements of M. R. App. P. 6(6) and our case law interpreting certification orders under M. R. App. P. 54(b). *See In re Marriage of*

Armstrong, 2003 MT 277, 317 Mont. 503, 78 P.3d 1203; *Roy v. Neibauer*, 188 Mont. 81, 610 P.2d 1185 (1980).

THEREFORE,

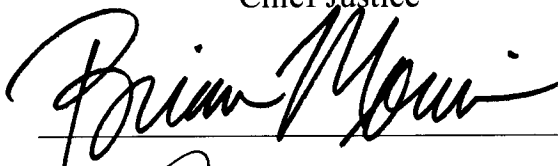
IT IS ORDERED that the appeal of this cause may proceed.

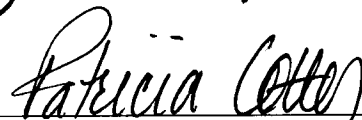
The Clerk is directed to provide copies of this Order to all counsel of record and to the Honorable Mike Salvagni, presiding District Judge.

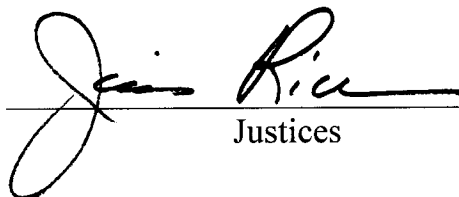
DATED this 29th day of June, 2010.



Chief Justice







Justices